



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/628,004	07/28/2000	Kenji Ito	0905-0243P-SP	3116

2292 7590 06/07/2004

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

HARRIS, TIA M

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/628,004

Applicant(s)

ITO, KENJI

Examiner

Tia M Harris

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3, 4 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3, 4 and 6-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The previous 35 USC 112 rejection of claim 5 is now moot due to the cancellation of the claim.

Response to Arguments

1. Applicant's arguments with respect to claims 3-4 and 6-9 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-9 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song et al (hereafter referred to as Song) (US 6542201 B1) in view of Torimaru et al (hereafter referred to as Torimaru) (4589029).

(Claims 6-7) Song discloses a zooming apparatus and method in a digital TV comprising an inherent display device, a downsampling device for downsampling the video signal using a first downsampling-ratio (column 5, lines 34-38, 50-56), a display controller for displaying the image represented by a video signal, which is downsampled by the downsampling device, on the display screen of the display device (column 5, lines 34-38, 50-56), a zoom area designating device for designating a zoom area from the image displayed on the display screen (column 5, lines 9-17), and an electronic zoom device for processing an electronic zoom wherein the image included in the zoom area designated by the zoom area designating device is displayed entirely on the display screen of the display device, using a zoom ratio (column 5, lines 29-33, 38-45, 56-65; see figure 7(f)), comprising a controller for controlling the downsampling device so as to carry out the downsampling processing using a

second downsampling-ratio, which ratio of downsampling is smaller than the first downsampling ratio, when the zoom ratio at the electronic zoom device is higher than a zoom ratio which enlarges the original image to the image after downsampling using the first downsampling ratio (column 5, lines 23-28, 38-45, 56-65). Although Song does not specifically disclose the apparatus is a digital still camera, Song does state that the teachings described can be readily applied to other types of apparatuses, other than a digital TV (column 7, lines 46-48). It is well known in the art to use electronic zooming as taught by Song in digital cameras, such as disclosed by Torimaru, the digital camera being one of the "other types of apparatuses" discussed by Song. The digital camera of Torimaru comprises an imaging device for imaging a subject and outputting a video signal (see figure 1). Using the electronic zooming method of Song in the camera of Torimaru would assist the user in identifying the object to be photographed because the resolution of the selected portion of the image can be increased. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the electronic zooming method of Song into the camera of Torimaru in order to assist the user in identifying the object to be photographed because the resolution of the selected portion of the image can be increased.

(Claims 3 and 8) Torimaru further discloses the imaging unit outputs a video signal in sync with a synchronization signal applied thereto (column 4, lines 21-55). It would have been obvious to coordinate the downsampling of Song with the shift clocks (synchronization signal) of Torimaru in order to select the correct rows of pixels as the output of video signals is being produced.

(Claims 4 and 9) Song further discloses the camera is provided with a mode setting unit for setting an image-quality priority mode, the controller reducing the downsampling ratio when the image-quality priority mode has been set by the mode setting unit (column 5, lines 18-28).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia M Harris whose telephone number is 703-305-4807. The examiner can normally be reached on M-F 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMH 5/27/04

A handwritten signature in black ink, appearing to read 'AC', followed by a long horizontal line extending to the right.

ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600